



DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	6,949,245	Group Art Unit:	1642
Serial no.:	09/602,812	Examiner:	A.L. Holleran
Confirmation No.:	9612		
Filed:	23 June 2000		
Inventor:	Mark Sliwowski		
For:	Humanized anti-ErbB2 antibodies and treatment with anti-ErbB2 antibodies		

REQUEST FOR RECONSIDERATION OF REVISION OF
PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner of U.S. Patent No. 6,949,245 requests reconsideration of the revised determination of patent term adjustment as reflected in PAIR following the grant of the patent. This request is filed on the first business day following the date that is two months from the date of the patent grant (the two-month date falling on a Sunday) and is therefore timely.

The Director is requested to debit the fee specified at 37 C.F.R. § 1.18(f) (\$400), as well as any other fee as may be required in connection with this request, to the undersigned's Deposit Account No. 18-1260.

12/06/2005 CNGUYEN1 00000049 181260 6949245

01 FC:1456 400.00 DA

02/15/2006 CKHLOK 00000005 181260 6949245

01 FC:1455 200.00 DA

Information Disclosure Statement" originally filed on 28 April 2003). That exhibit may have been incorrectly recognized as a new IDS, leading to the PAIR entry of a "miscellaneous paper" and the entry of applicant delay.

Conclusion

Patentee respectfully requests that the Director determine that the 120 days of applicant delay associated with the entry of a "miscellaneous paper" on 12 April 2005 was recorded in error, and that this patent is entitled to a total net PTA of +335 days.

Respectfully submitted,



David L. Fitzgerald, Reg. No. 47,347
Attorney for Genentech, Inc. (37 C.F.R. § 1.34)

SIDLEY AUSTIN BROWN & WOOD LLP
1501 K Street, N.W.
Washington, D.C. 20005
tel. (202) 736-8818
fax (202) 736-8711

**RECEIVED
CENTRAL FAX CENTER**

Serial No. 09/602,812

Attorney Docket No. P1467R2

NOV 29 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	6,949,245	Group Art Unit:	1642
Serial no.:	09/602,812	Examiner:	A.L. Holleran
Confirmation No.:	9612		
Filed:	23 June 2000		
Inventor:	Mark Sliwkowski		
For:	Humanized anti-ErbB2 antibodies and treatment with anti-ErbB2 antibodies		

**REQUEST FOR RECONSIDERATION OF REVISION OF
PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner of U.S. Patent No. 6,949,245 requests reconsideration of the revised determination of patent term adjustment as reflected in PAIR following the grant of the patent. This request is filed on the first business day following the date that is two months from the date of the patent grant (the two-month date falling on a Sunday) and is therefore timely.

The Director is requested to debit the fee specified at 37 C.F.R. § 1.18(f) (\$400), as well as any other fee as may be required in connection with this request, to the undersigned's

Deposit Account No. 18-1260.

Adjustment date: 02/15/2006 CKHLOK
12/01/2005 WABDEL3 00000003 181260 6949245
01 FC:1456 400.00 CR

REQUEST FOR RECONSIDERATION OF REVISED PTA

28 NOVEMBER 2005 - PAGE 1

PAGE 1/7 * RCVD AT 11/29/2005 12:37:43 AM [Eastern Standard Time] * SVR:USPTO-EFXXF-6/24 * DNIS:2738300 * CSID:(815)366-7480 * DURATION (mm-ss):02-20

12/01/2005 WABDEL3 00000003 181260 6949245
01 FC:1456 400.00 CR

Serial No. 09/602,812

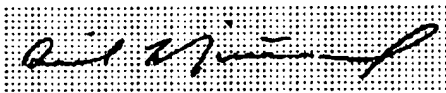
Attorney Docket No. P1467R2

Information Disclosure Statement" originally filed on 28 April 2003). That exhibit may have been incorrectly recognized as a new IDS, leading to the PAIR entry of a "miscellaneous paper" and the entry of applicant delay.

Conclusion

Patentee respectfully requests that the Director determine that the 120 days of applicant delay associated with the entry of a "miscellaneous paper" on 12 April 2005 was recorded in error, and that this patent is entitled to a total net PTA of +335 days.

Respectfully submitted,



David L. Fitzgerald, Reg. No. 47,347
Attorney for Genentech, Inc. (37 C.F.R. § 1.34)

SIDLEY AUSTIN BROWN & WOOD LLP
1501 K Street, N.W.
Washington, D.C. 20005
tel. (202) 736-8818
fax (202) 736-8711

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>2/16/06</u>		2 Serial/Patent # <u>09/602,812</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	1FW	11/29/05	\$ 400.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
			7 TOTAL AMOUNT OF REFUND	\$ 400.00							
10 REASON:		8 TO BE REFUNDED BY:									
		Treasury Check									
<input checked="" type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:								
<input checked="" type="checkbox"/>	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">1</td> <td style="width: 20px;">8</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">2</td> <td style="width: 20px;">6</td> <td style="width: 20px;">0</td> </tr> </table>			1	8	--	1	2	6	0
1	8	--	1	2	6	0					
	No Fee Due (Explanation):										
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Gancy Johnson</u>			TITLE: <u>Sr. Petitions Att.</u>								
SIGNATURE: <u>Gancy Johnson</u>			PHONE: <u>571-272-3219</u>								
OFFICE: <u>Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>2/15/06</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: